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ABSTRACT

This monograph reviews factors that may unnecessarily plunge families into the child welfare system, noting barriers within the child welfare system itself that sometimes engulf Asian American families. Without adequate data on Asian Americans, understanding the issues and measuring trends are very difficult. Although small, the number of Asian American children touched by the child welfare system is not negligible. Asian immigrant families have many different cultural customs and norms, and they are often reluctant to seek services and unsure which of their traditional child rearing practices may be considered grounds for investigation in the United States. Rapid removal of children from families has the greatest potential to harm immigrant families, and cultural miscommunications can easily lead to rapid removal. Adequate interpretation should be a right for every non-English speaking immigrant. Placing Asian American children in kinship foster care homes should be the highest priority for the Administration for Children's Services (ACS). ACS rules and laws regarding immigrants' rights in child welfare are unclear. Recommendations include improve data collecting and reporting, address language barriers, educate the immigrant community, increase preventive services, and reform the family court. Three appendices define Asian Americans and cultural competency and present recent ACS reforms. (SM)

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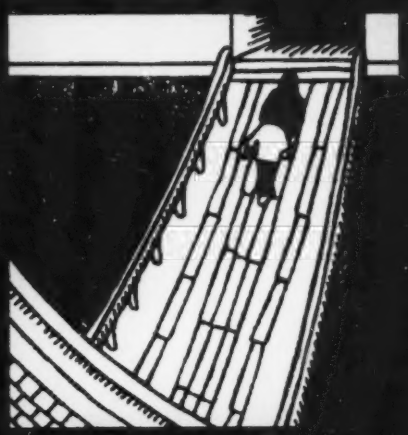
CROSSING the DIVIDE

ASIAN AMERICAN FAMILIES AND THE CHILD WELFARE SYSTEM



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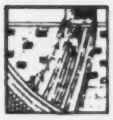

EXECUTIVE SUMMARY

An increasing number of Asian American children will come to the attention of the child welfare system in the coming years, due to demographic growth and changes in the community.[1] Asian Americans are the most rapidly expanding percentage of the population in New York City. Approximately 10 percent of the city's total population are now Asian American.[21]

Much of the growth is due to immigration. Many immigrant parents arrive in the U.S. with limited education, little experience living in a large urban area, and few marketable job skills. In the city, over half of all Asian American babies are born into poor or near poor families.[18] Unfortunately, many reports of neglect stem from the limited resources of families living in poverty.

The Coalition for Asian American Children and Families concurs wholeheartedly with the goal of the child welfare system to protect the safety of the child. Unfortunately, child abuse and neglect do occur in Asian American families, as they do in all communities. Clearly, no one wants a child to be in physical danger or to be neglected, and sometimes children do need to be removed from their home.

At the same time, no one wants to traumatize a child and family by removing a child from their home unless it is absolutely necessary. Too many immigrant families are unnecessarily caught up in the child welfare system because of cultural differences or language barriers, or lack of economic resources, not because of intentional harm to their child. Once in the child welfare system, immigration status creates additional barriers for some families. If the child welfare system remains indifferent to the differences that immigrant communities present, children and their families may experience lifelong damage.

The city's child welfare system and the institutions and agencies related to it, including the Administration for Children's Services (ACS), not-for-profit social and health agencies, the state Office of Children and Family Services, Family Court, and the Board of Education, cannot afford to be unaware of cultural and social beliefs. These organizations need to acknowledge and remove the barriers and bias that may cause Asian American children to be unreasonably removed from their homes. Mandated reporters, investigators, caseworkers, judges, and other parties in the child welfare system should learn how the immigrant experience impacts on family functioning. Each should understand the adaptations that immigrant families have to make to cope with poverty, racism, and violence in their new country. The child welfare system needs to end practices that unfairly burden families with proving their children are not at risk.

"Crossing the Divide: Asian American Families and the Child Welfare System" reviews the factors that may unnecessarily plunge a family into the child welfare system and the challenges they face within the system. This monograph also reviews the barriers within the child welfare system itself, which sometimes engulf the Asian American family. Finally, the report offers recommendations on interpretation, training, and Family Court reform.

The Coalition for Asian American Children and Families is issuing this report to substantiate the many anecdotes and case studies about Asian American families caught in the child welfare system. In compiling this issue paper, the Coalition has interviewed community-based service providers, parents, and attorneys. However, it should be noted that this report can only provide broad brushstrokes of some common barriers and shared challenges. The Asian American community is extraordinarily diverse, and the contents are not meant to suggest that all Asian American families raise their children in exactly the same manner.

MEASURING THE PROBLEM

Without adequate data on Asian Americans, understanding the issues and measuring trends are very difficult. Statewide data provides no category of "Asian." Instead, there are various categories of "Oriental." The use of the term "Oriental" is extremely outdated and considered very offensive to many in the Asian American community. Even within the designation "Asian," there are great differences in language, religion, and culture that would have an impact on a child welfare case.

It is highly probable that a number of Asian American children are misclassified and included in the race/ethnicity categories of "Unknown," "Other," and "None" categories. The "Other" and "Unknown" categories account for 27 percent of all children in foster care.[17] In general, Asian Americans are frequently misclassified when physical appearance, surname, or country of origin other than an Asian country determines their race/ethnicity. Not knowing the size of the problem keeps policy makers, public and contract agency administrators, front line child welfare service providers, and children's advocates from adequately mobilizing to meet the need.

Although small, the number of Asian American children that are touched by the child welfare system is not negligible. The state reports approximately 180 Asian, or "Oriental," children are in foster care, although the number does not account for children misclassified by race/ethnicity. A survey reported approximately 500 Asian American children receiving foster care preventive services in 1998.[11] And more than 580 requests for an Asian langugage translator or interpreter were made by ACS' Division of Child Protection in the first six months of 2000.[3]

[1] *See Appendix I for a definition of "Asian American" as used here.*

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TAKING THE FAMILY INTO CONTEXT

New York City's child welfare services have become more reactive to child welfare and abuse cases and more likely to move for rapid removal of a child since the public outrage in November of 1995 over the highly publicized tragic death of Elisa Izquierdo.[1] However, rapid removal is not always the best solution. In non-extreme cases, children can be, and are, seriously harmed by removal. For many families, less radical solutions that help keep the family intact are the best way to protect children.

An investigation should not assess the safety of the child without considering the whole context of the family. By necessity, government must take responsibility to be the "parent of last resort" and make decisions about whether the safety of a child is compromised by abuse or neglect. However, the lines that distinguish discipline from abuse are drawn with a cultural bias. These lines are drawn without recognizing that the child welfare system itself may be misinterpreting and misunderstanding the Asian American family.

In Western or mainstream American traditions, on which the local child welfare laws are based, the major social unit is the individual. Asian traditions focus on the family as the major social unit, and well being is measured by the whole family's success. A child learns that if he/she behaves poorly, he/she shames the whole family.

Traditional Asian families are very hierarchical, and immigrant parents may view American parenting styles as too permissive and American children as too disrespectful. In addition, corporal punishment is common in Asian countries. Parents may not be outwardly affectionate with their child, particularly with older children or adolescents, but they express their love through personal sacrifice and hard work for their children's well being. Asian cultures also do not emphasize vocalizing problems or discussing personal issues. This conflicts with mainstream parenting methods and family counseling concepts.

Asian American immigrant families are often shocked to learn that in the U.S. the government can remove their children from them. This adds to the distrust or misunderstanding of government that immigrant families already have. Child welfare officials must conduct intimate investigations of families, mandate treatment, and sometimes remove children from their homes. Parents often experience feelings of helplessness, stigma, shame, and an invasion of privacy in a system that undermines their authority and is difficult to comprehend.

The line between insufficient resources and child neglect is drawn with a socioeconomic bias that does not take into account differences fashioned by living in poverty. Indeed, impoverished immigrants, including Asian Americans, sometimes must decide between leaving children home unattended or losing their jobs. A parent may consider it practical, not neglectful, for the whole family's survival to keep a child home from school to interpret for a parent at a welfare office, knowing that there most likely is no interpreter available at the welfare office.

Many neighborhoods in which new immigrants settle do not have the necessary supportive infrastructure - affordable child care, afterschool programs, clinics, youth centers, and multi-social services, especially with bilingual and bicultural capacity. There are few programs in Asian languages for needs associated with child abuse and neglect cases, such as mental health, domestic violence, or substance abuse. The general lack of these programs makes it much harder for Asian American parents to cope.

Many Asian Americans are reluctant to seek services or ashamed to rely on outside help, even if their families are in need. It is particularly difficult for families to communicate about taboo topics such as mental illness. In domestic violence cases, a court may order a mother to leave the offender or risk losing her children, without examining if her reluctance to leave is due to cultural, financial, or other reasons.

As with most immigrant families, Asian Americans are unsure which of their traditional child rearing practices may be considered grounds for investigation in the U.S. For their part, immigrant families have an obligation to learn about American child rearing practices and child welfare laws. Families must learn which household choices, made perhaps because of meager resources, can result in charges of child neglect. There is a great need to support community education about child welfare laws.

CULTURAL SENSITIVITY AND BILINGUAL CAPACITY

Rapid removal of children from families has the greatest potential for harming the immigrant family, and cultural miscommunications can easily lead to rapid removal. Adequate and sufficient interpretation should be a right for every non English-speaking immigrant. Poor communication can lead to misunderstandings and cause a child to be separated from parents for months or years. Families may enter and leave the child welfare system without ever being interviewed by someone who understands their language, experience or culture.

While ACS recently contracted with a professional translation/interpretation service for protective service workers, other child welfare workers often must resort to other methods to communicate with Asian parents. CBOs and parents have reported situations in which children were inappropriately used to interpret. Court-appointed attorneys have insufficient access to interpreters, and assistance hotlines rarely have Asian language capabilities. In addition, written materials such as important legal paperwork are in English.

[1] *Elisa Izquierdo, a six-year old, was beaten to death by her mother despite previous reports of abuse to the city. Her tragic death led to an overhaul of New York's child welfare services.*

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Placing Asian American children in kinship foster care homes should be the highest priority for the ACS, but kinship placement in general is presently at its lowest level in over 10 years.[5,8] If a child is placed in an unrelated foster home, there is virtually no chance that the child will be placed with Asian American foster parents because there are almost no Asian American foster care homes. Foster care is traumatic enough for children, but when children are placed with a foster care family that does not speak their language or is of a markedly different religious or cultural background, the sense of alienation and fear heightens. It is highly unlikely that birth and foster parents will be able to build any kind of positive relationship if they do not share a common language, religious practices, or cultural values.

IMMIGRANTS' ACCESS TO SERVICES

ACS' rules and laws regarding immigrants' rights in child welfare are unclear. Service providers are often uncertain about how immigrant status should or should not affect children in foster care, parents' ability to access services, or relatives' ability to serve as kinship care homes. Undocumented children who are placed into foster care are frequently eligible for a green card, but do not necessarily receive one if their caseworkers or law guardians do not apply on their behalf. Although undocumented status does not seem to legally prohibit an immigrant from providing kinship care, in many cases this is the *de facto* situation, in the absence of a clear ACS policy on immigrant families. Many immigrant parents, because they are undocumented or they arrived in the U.S. after 1996, are ineligible for certain benefits and services such as Medicaid or food stamps that might help them keep their families intact or have their children returned.

THE FUTURE

There are benefits to ACS' new neighborhood-based system. However, the contract agencies that have been awarded contracts in Asian American neighborhoods do not seem to have any previous familiarity with these communities. They must now strive to become more familiar with the community. The shortcoming of partnerships between ACS and/or contract agencies with Asian American community-based organizations is a reminder that much work has to be done to make neighborhood-based services successful.

In Los Angeles County, a special Asian Pacific unit handles all child abuse and neglect cases of non-English or limited English families. ACS should create an Asian American unit to ensure that immigrant parents have someone with their language and cultural background to assist them at every step of the process. This program would be present at all 72-hour conferences, interfacing with preventive programs, and acting as a training and referral service for the foster care contract agency, which may not have any Asian American staff.

Beyond the usual criticism of Family Court being overburdened and insensitive to families, there are special problems for the poor, limited English speaking Asian immigrant family. Adequate legal representation is impossible if the court appointed attorney cannot speak the parents' language, is wholly unfamiliar with the families' cultural practices, or is uninformed about immigration law. Parents have been compelled to admit fault by attorneys seeking to end cases quickly, without adequate information about the impact on their record or the children's case.

RECOMMENDATIONS

Improve data collection and reporting

1. Update the state Department of Social Services (DSS) classifications in the Child Care Review System (CCRS) by replacing "Oriental" with "Asian," adding subcategories for the largest Asian ethnic groups, and updating religion and language categories to ensure that Asian American children are being placed in homes with similar ethnicity, language and religion.
2. Train ACS caseworkers and foster care contract agency staff on how to properly collect data on Asian Americans.

Address language barriers

3. Ensure that all investigators, caseworkers, hotlines and parent assistance offices have easy access to trained interpreters/translators, or match bilingual workers with families with limited English.
4. Notify limited English proficient parents promptly and properly about their child's case in their native language to ensure that they properly understand the process and their rights.

Educate the immigrant community

5. Conduct a public education campaign targeting the Asian immigrant community to explain local child abuse and neglect laws and the benefit of serving as a foster care families.
6. Translate parent education materials into Asian languages in a culturally sensitive and family friendly way.

Increase preventive services

7. Increase funding to support existing preventive services or to develop community-based preventive services in newer or emerging immigrant Asian American communities.

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8. Conduct parenting education in immigrant communities acknowledging cultural differences and accommodating parents' schedules.

Promote staff development

9. Create mandatory and regularly held cultural competency training for public and private sector child welfare workers and administrators and school personnel. This training should specifically include Asian American cultures, religions, and immigrant rights.

Strengthen relationships between Asian American community-based organizations, ACS, and contract agencies

10. Reach out to community-based organizations in the Asian American community and generally develop meaningful, reciprocal relationships in order to decrease child abuse, ensure quicker reunification, and decrease suspicion and distrust.
11. Require foster care agencies to recruit Asian American foster families in neighborhoods with high Asian American populations.
12. Examine the ramifications of the Family-to-Family approach on Asian American families and develop culturally sensitive protocols.

Establish an Asian American child welfare unit

13. Establish an Asian American child welfare unit either within ACS or by contract to act as a cultural bridge to families reported for abuse, to track these families and ensure that their caseworkers can find appropriate services for them, and to provide cultural competency training and referrals to caseworkers.

Reform Family Court

14. Replace the current 18-B panel system with a more comprehensive legal service that provides attorneys with the same access to training, supervision, clerical and investigative staff, wages, and social work supports as have their counterparts in ACS or Legal Aid Society. Representation should be available to all, regardless of immigration status.
15. Provide cultural sensitivity training for attorneys, judges, and other court personnel on Asian American families.
16. Develop a report card that annually measures progress in making the Family Court system more workable for families with limited English.

CONCLUSION

New York City's child welfare system is not set up to serve the growing number of immigrants. Despite admirable reforms, ACS and the contract agencies still have a long way to go in addressing the linguistic/cultural differences and implications of immigration law on child welfare. The profound cultural differences between the Asian immigrant and the non-Asian investigator may prevent families truly in need of services from getting them, or worse, unnecessarily remove children from their homes.

A charge of child abuse and/or the removal of a child to foster care can traumatize a family for years to come. A more balanced investigation of suspected Asian American child maltreatment is urged. The investigation should be less incident based and more inclusive, viewing the child rearing performance by parents in a broader sense. Then, rather than risk the possibility of traumatizing the child through removal, a stronger network of preventive services is needed to educate the parents and help them locate child care, health insurance, and other services.

Ignorance of the law is not a sufficient excuse, but the immigrant community's lack of knowledge about "American" child rearing practices is a reality. Both the Asian American community and ACS have a great deal of mutual education to do to protect children and families.

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I. UNSEEN NEEDS: A COMMUNITY PROFILE

Asian Americans are the most rapidly expanding group in New York City, as a percentage of the population. The number of Asian Americans in New York City increased by at least 54 percent to over 787,000 from 1990 to 2000 (see Table 1). Asian Americans comprise approximately 10 percent of the city's population, and nearly 11 percent of the public school students. Asian Americans are also a very diverse population in terms of ethnicity, language, religion, and culture.[iii]

Table 1: Asian American Population by Borough and Percentage Growth, 1990-2000

Borough	Asian Population, 1990*	Population identifying as Asian alone, 2000*	Population identifying as Asian alone or in combination with another race(s), 2000*	Asians as % of total borough population, 2000**	% increase in total Asian population, 1990-2000**
Bronx	35,021	40,120	48,502	3.0 - 3.6%	14.6 - 38.5%
Brooklyn	110,496	185,818	206,272	7.5 - 8.4%	68.2 - 86.7%
Manhattan	110,026	144,538	156,710	9.4 - 10.2%	31.4 - 42.4%
Queens	237,556	391,500	433,553	17.6 - 19.4%	64.8 - 82.5%
Staten Island	16,856	25,071	27,740	5.7 - 6.3%	48.7 - 64.6%
New York City TOTAL	509,955	787,047	872,777	9.8 - 10.9%	54.3 - 71.1%

Source: US Census Bureau 2000 Census, from data derived by the Asian American Federation Census Information Center.
Census 2000 data are not adjusted for undercount.
**Census 2000 permitted respondents to select more than one race. This option was not available in 1990.*
***The first number in a range is based on Asian alone, and second number in the range is based on Asian in combination.*

Many people assume that Asian Americans are highly educated and successful when in fact this "model minority" stereotype masks the needs of many Asian Americans. The visible segment of the Asian American community that is college educated and middle class overshadows the invisible Asian Americans who live in poverty with limited English and education. In a recent study, *Half-Full or Half-Empty*, the Coalition documents the poverty among many Asian American families and the need for health care, child care, and youth programs in New York City for Asian children.[11] For example, in New York City:

- 51.8 percent of Asian American children in the city are born into poor or low-income families[iv] that qualify for Medicaid, ranging from 17.9 percent among Filipinos to 79.3 percent among Bangladeshis.[18]
- 24 percent of Asian American adults over age 25 in the city do not have a high school diploma.[20]
- 33 percent of Asian American students in the city's public high school either drop out or do not graduate on time.[4]
- Asian Americans have the highest rate of overcrowding in homes among all races/ethnic groups in the city.[20]

Among all reported child welfare cases, 92 percent involve neglect rather than abuse.[5] Neglect can be physical, emotional, medical, or educational. Frequently, neglect charges results from the families' financial situation and lack of resources. In fact, there is a sense among many child welfare advocates and clients in New York City that poverty is criminalized, and that families are separated and unintentionally punished for their inability to provide financially for their children.

Services for children, like child care and afterschool programs, are not sufficiently available in the neighborhoods where Asian Americans are settling, and bilingual services are even rarer. Even when services are available, parents have difficulties identifying and accessing services because of their cultural and language differences. Ninety-six percent of Asian American children have foreign-born parents.[22] In 46 percent of families, no one over age 14 speaks English well, which means that these households are considered "linguistically isolated."[20]

[iii] *See Appendix I for a description of the different ethnic groups that comprise "Asian American" as used in this report.*

[iv] *In New York State, pregnant women with incomes up to 185% of the federal poverty level are eligible for Medicaid. Federal poverty level is approximately $17,650 per year for a family of four.*

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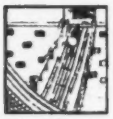

II. MEASURING THE PROBLEM

The overwhelming numbers of children in foster care are children of color, especially African American or Hispanic.[17] Many of these children also come from low-income homes, immigrant-headed homes, or homes whose culture may differ dramatically from mainstream child rearing practices and expectations.

Poverty, limited English, and cultural differences are all factors for Asian American families as well, but there is a troubling lack of data and information on Asian Americans in the child welfare system. Without adequate data on Asian Americans, understanding the issues and measuring trends are very difficult.

In the Monthly Detailed Demographics of Children in Foster Care as issued by the New York State Department of Social Services (DSS), the categories referring to Asian American children are "Oriental," "Oriental/White," "Oriental/Black," and "Puerto Rican/Oriental." Under "Oriental," there are subcategories of "Vietnamese," "Cambodian," and "Laotian." All of these categories have been grouped under "Oriental" in Table 2 below. For DSS annual reporting and ACS reporting, all the "Oriental" categories are grouped with "Other."

Table 2: Children in foster care by race/ethnicity in New York City, 1/1/00-12/1/00

Race/Ethnicity	Number of Children in Care	Percentage of Total Children in Care
White	747	2.5%
Black or Black/White	15,145	51.5%
Puerto Rican, Cuban, Other Hispanic*	5,780	19.7%
Oriental	**162**	**0.6%**
American Indian/Alaskan	21	0.1%
Other, Unknown, None	7,527	25.6%
Total	29,382	100.0%

** Includes Puerto Rican in combination with other race/ethnicities except for Oriental.*
Source: New York State Department of Social Services Interim Annual Detailed Demographics of Children in Foster Care

This method of classification is very problematic. The use of the term "Oriental" is extremely outdated and considered very offensive to many in the Asian American community. The U.S. Census Bureau, the City Department of Health, the Board of Education, and other federal and local health and human service agencies do not use this term.

In addition, listing only Vietnamese, Cambodian, and Laotian as the subcategories of "Oriental" is inadequate because these Southeast Asian communities account for only a small percentage of the Asian population in New York State. There are no subcategories for the four largest Asian ethnic groups in New York City, i.e., Chinese, Indian, Korean, and Filipino.

It is disconcerting not to know how many Asian children are included in the "other" or "unknown" categories. Approximately one-fourth of children in foster care is classified in the "Unknown" category, making it the second largest category of ethnicity recorded. However, it may mask a disproportional number of Asian and mixed heritage Asian children if recorders find it easier to discern if children are African American and Hispanic.

When ACS publishes statistics, it lists "White," "Black," "Hispanic," and "Other" but does not include "Asian" as one of its categories. The larger number of children classified as "Unknown" is distributed proportionately among the other categories as a statistical convenience. Since most staff are not trained on how to determine ethnicity or how to differentiate between Asian ethnic groups, it is highly probable that a number of Asian American children are misclassified and included in the "Unknown," "Other," and "None" categories.

Even if "Asian" were included as a category, without appropriate explanation or staff training, many Asian Americans might still not be correctly classified. Many people think only of East or Southeast Asians such as Chinese, Japanese, Korean, and Vietnamese without including South Asians. Recent immigrants in particular refer to themselves by ethnicity or country of origin and may not self-identify by the umbrella term "Asian American."

Asian Americans are frequently misclassified when physical appearance, surname, or country of origin determines their race/ethnicity. For example, Filipinos are often classified as Hispanic because many have Spanish surnames due to the Spanish colonization of the Philippines. South Asians are sometimes classified as "Black" if they have a darker complexion or if they arrive from Caribbean or African countries.

In 1999, ACS contracted for interpretation/translation services for its Division of Child Protection. From January through June 2000, investigators made 581 requests for Asian language assistance, accounting for 27 percent of all requests.[3] This clearly challenges the misperception that Asian Americans are not involved in the child welfare system. It also indicates the need for interpretation/translation. Unfortunately, other ACS or private child welfare workers do not have access to the service.

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Table 3: Requests for Interpretation and Translation in Asian Languages in ACS Division of Child Protection, January-June 2000

Language	Requests	% of Total Requests
Chinese (all dialects)	448	20.69%
Bengali	41	1.89%
Korean	30	1.39%
Vietnamese	22	1.02%
Urdu	18	0.83%
Punjabi	12	0.55%
Thai	4	0.18%
Hindi	3	0.14%
Indonesian	3	0.14%
Total	581	26.78%

Source: Administration for Children Services, Division of Child Protection. Interpretation and Translation Services Report, 1/99-6/00.

For community based organizations, contracted by ACS to prevent foster care by providing Purchased Preventive Services (PPRS) Services,[v] very little data are reported to a central office. Race/ethnicity data on families is not reported to ACS, so the data are maintained only at the preventive service agencies. There are no standard race/ethnicity categories across preventive service agencies.

In a 1998 collaborative survey by the Committee for Hispanic Children and Families and the Coalition for Asian American Children and Families, contracted preventive service agencies reported serving 509 Asian American children. The services most frequently needed among Asian American families were child care, clinical services, ESL/education, assistance with entitlements, and parent aid services.[10]

RECOMMENDATIONS

- Update the DSS classifications in the CCRS to replace "Oriental" with "Asian" and add distinct subcategories for the largest Asian American ethnic groups.
- Decrease the number of children in foster care categorized as "unknown" and "other."
- Train ACS caseworkers and foster care contract agencies on proper identification and data collection of Asian Americans.

III. CHALLENGES FACING ASIAN AMERICAN IMMIGRANT FAMILIES

Child rearing practices are inherently culturally determined. There are few clear-cut rules on how to best raise one's child that cross all cultures and countries of the world. Many immigrant families are raising their children by one set of methods and standards in a context where these same rules may no longer apply or be acceptable by the broader society.

Asian immigrant families often do not know which child-rearing practices are considered unacceptable, dangerous, abusive and neglectful by the New York child welfare system. They are often shocked to learn that the U.S. government can remove their children from them. Due to insufficient knowledge or social/linguistic isolation, many immigrant parents are introduced to the child welfare system when they first receive notice that they are being investigated for abuse or neglect.

Another barrier facing immigrant families is a distrust of government. Most Asian immigrants settling in New York City come from countries that do not have an institutionalized child welfare system or a government with laws and regulations regarding child disciplinary practices. In fact, many come from countries where government agents cannot be trusted. If police arrive in the middle of the night to remove a family member, it is possible that the family member may never be seen again.

Too many families find themselves coping with the traumatic experience of having a child removed simply because there is no outreach, public education, or linguistically accessible services to help them understand what is expected of them. All parents have to take responsibility for their children, and ignorance of laws or cultural differences alone is not an excuse for endangering the welfare of a child. Clearly, there are cases of abuse and neglect in the Asian American community in which children's lives are at risk. However, it is unrealistic to expect newly immigrated parents to suddenly understand all laws and social practices as soon as they have landed on American soil.

[v] *Preventive services can include individual, group or family counseling, parenting skills training, advocacy for individual cases, case management, and practical assistance services. These services are designed to keep children that are at risk for foster care at home with their family.*

Other families become unnecessarily involved in the child welfare system due to an avoidable communication breakdown between a family and the child welfare professionals or mandated reporters. Often, a communication barrier prolongs or exacerbates an investigation by frustrating or alienating families. This creates further stress. Often the parents cannot understand how a proposed intervention is supposed to help them to be better parents. Professionals can best serve families if they understand the families' perspective.

In an analysis by *Child Welfare Watch*, poverty, race and cultural bias were major variables in decisions to remove children.[6] Cultural and language barriers combined with a tendency for rapid removal can result in a particularly severe impact on immigrants. Removing a child from a home is always traumatizing to the child. Removal is damaging when there is no actual abuse or neglect or when the family could be equally well served by remaining intact and receiving preventive services. Preventive services are far less expensive than paying for foster care.[5-7]

However, there continues to be disproportionately too little money invested in preventive services, particularly those to serve immigrant families. Immigrants are often baffled as to why the government would pay strangers to care for their children instead of using the same money to help the birth parents to better care for the children at home.

DIFFERENCES IN DISCIPLINARY PRACTICES

Asian American families are far from monolithic in the ways they discipline and raise children. However, there are a few generalizations that can be made, even though they cannot be applied uniformly to all families.

Corporal punishment is common in families in Asia. Traditional disciplinary practices include spanking children with hands, chopsticks, slippers, or sticks; having children kneel on uncooked rice; or forcing a child to hold one position for an extended period of time.

Many schools in Asia and other countries actively use corporal punishment. Since Asian parents view teachers as authorities, parents give the teachers permission to discipline the children through corporal punishment. Similarly, in observing teachers use corporal punishment, parents themselves may be encouraged to use corporal punishment in their homes.

Many Asian parents view Western parenting styles as too permissive and American children as disrespectful. Traditional Asian homes are more hierarchical in nature, and parents feel they should be in charge. Western parents often seek to develop a more peer-like or equal relationship with their children. Asian parents often view American youth, whether based on real experience or in popular media, as rude to adults, and more likely to be violent, sexually active, or to use drugs. Parents may see corporal punishment or strict discipline as a way to keep their child from becoming "too American."

One Family's Story

Mrs. G. speaks no English, and her husband speaks English only minimally. When the investigator came to their home, there was no interpreter. Their children were removed at 3 a.m. at night. ACS did not inform the parents where the children were being taken, nor did they ever ask if the family had relatives to care for the children. The investigator also did not take their son's asthma medication. In a panic, the parents tried to find out where the children were in order to deliver the medication. Ultimately, their family physician had to deliver a new prescription to the police. In order to attend the court hearing, Mr. G., who is a waiter, had to pay a co-worker two days wages in order to cover for one day. At court, the appointed attorney was not present, so Mr. G. simply lost two days wages. In the end, the children spent 10 days in foster care. Mr. G. wonders why the children needed to be removed so abruptly and traumatically, especially if ACS was willing to return the children so quickly.

Asian parents may not understand the concepts behind more mainstream American parenting methods, such as time-outs. Asian cultures also do not emphasize vocalizing problems or discussing personal issues. Yet Western parenting guidelines encourage open communication with children as a method of effective parenting. In order to expect parents to change child rearing methods, parents must have access to parenting education.

When Asian American parents do learn about the child welfare system, they are unclear as to how to determine exactly which discipline or child rearing methods are allowed. The laws allow for a spectrum of behaviors that are not completely defined. Parents are often not sure where local laws consider discipline to end and abuse to start. For example, parents are told they cannot be verbally abusive of their children. A parent might then perceive this as meaning they can never scold their child.

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DISPLAYS OF AFFECTION

There is, of course, a great deal of variation in and among different Asian cultures regarding expressions of affection. However, many traditional Asian families are not verbally or openly affectionate toward their children, particularly toward older children. Parents believe they are expressing affection, love, and devotion by working hard and sacrificing their own personal gratification so that the child will have economic stability, good food, and educational opportunities.

Asian American parents may use different methods to motivate their children than non-Asians. A child's conduct and success is considered a reflection of the parent and extended family, and a child learns that his/her poor behavior will shame the whole family. An Asian American parent may be quick to negatively compare his/her child's behavior to other children's accomplishments, rather than praising the child individually, in order to encourage their child to try harder.

A family's lack of openly displayed affection may have repercussions if a child abuse report is being investigated. Because Western styles encourage parents to openly tell their child each day that they love them and that each child is a special individual, Asian American families may seem cold or unaffectionate in comparison. If asked by a caseworker if a parent ever says, "I love you," or kisses them, a child might quite honestly say no. A less expressive Asian American parent might mislead the investigator into assuming the parent was emotionally detached and neglectful.

LACK OF CHILD CARE

Despite being perceived as a financially successful minority, a sizable part of the Asian American community is in poverty, as was discussed above. Consequently, many immigrant Asian parents are unable to afford quality child care. Some may leave their children at home alone, employ uncertified or untrained baby-sitters, or resort to bringing their children to potentially dangerous workplaces such as factories. Immigrant parents are not familiar with the city's licensing requirements for child care or subsidized child care vouchers.

Some families send back their infants to family in Asia to be raised until they reach school age, because child care is unaffordable and the parents work long hours. This can harm the parent-child relationship and lead to discipline problems when the child returns to the U.S.

Cultures differ when determining what constitutes a "mature" child. In Asia, children under age 12 are regularly left home alone or to baby-sit younger siblings. This is particularly true in rural and less developed regions. Families are more likely to have relatives or friendly neighbors nearby to keep an eye on children, but these supportive relationships are not always available when the family moves to an urban setting like New York. The city also has other household hazards, such as upper story apartment buildings without window guards or with gas ovens, that newer immigrants may not consider when deciding to leave a young child alone.

A parent might choose to leave young children alone if he or she must work and considers the inability to provide financially as more neglectful than leaving a child responsible for his or her siblings. A parent who is unfamiliar with laws regarding school attendance may keep children at home too frequently to help the family, either with baby-sitting, translating for the parent, or assisting with other tasks that are necessary to help the family unit as a whole.

HEALTH CARE

Many Asian parents seek health care from traditional medicine or traditional clinics prior to seeking treatment from Western clinics or emergency rooms. Traditional treatments can include herbs, poultices, and special food and drinks. Families often believe that traditional clinics and medicines are sufficient for treating mild maladies, while Western clinics are generally believed to provide better care for more severe illnesses. Thus, if a parent mistakenly believes a malady is mild, his or her failure to immediately take the child to an emergency room may be misconstrued as medical neglect.

Some Asian children have been removed from homes because of marks that are actually a result of Asian traditional medicine treatments. For example, the practice of "coining" or "spooning" involves rubbing the skin firmly with a coin or spoon to release negative energy. This treatment leaves a bruised mark on the skin, which can be mistaken for abuse. Other examples include the practice of "cupping" which involves placing heated glass cups on the skin to release negative energy or illness. This treatment also leaves red marks on the skin from the heat of the glass cups.

Sometimes families delay seeking medical treatment because they cannot afford paying for care. The types of low-income work in service, manufacturing, or small businesses that immigrants typically hold often do not provide health insurance, and with low wages, parents cannot afford private insurance. Children whose immigrant parents do not have health insurance are less likely to receive health care, even if the children themselves have health insurance.[13]

Among lower income families, many adult immigrants are ineligible for programs such as Medicaid because they arrived in the country after 1996, when eligibility guidelines changed, or because they are undocumented. Although all children under the age of 19 are eligible in New York State for Child Health Plus, the state's subsidized child health insurance program, not all parents know about the program. Or, they may fear that enrolling their child will threaten their immigrant status or naturalization application.

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DRESS AND SHELTER

Other forms of neglect resulting from cultural clashes include insufficient clothing and inappropriate shelter. Asian families that come from rural areas may dress children in clothing appropriate for their home country but not for New York. Examples include inexpensive slippers for shoes or pajamas as street clothes, both of which may be acceptable in their home countries. Immigrant families may also come from cultures that do not bathe a child every day or may reuse clothing several days in a row.

Asian Americans live in the most overcrowded housing[vi] of any broadly defined ethnic or racial group in New York City with nearly one-fifth of all Asian households being overcrowded.[20] In some cases, this can even mean that several families are subdividing a one bedroom apartment.

The sharing of beds is considered not only culturally appropriate but sometimes an economic necessity given limited resources and funds. Because sleeping together is not as sexualized in Asian cultures as it is in the U.S., children of both sexes may share bedrooms or even beds, and children, especially infants, may also share a bed with parents. However, in the U.S. this practice is generally considered socially or developmentally inappropriate, or even a risk for smothering.

RECOMMENDATIONS

- ACS should conduct an extensive public education campaign explaining local child abuse and neglect laws to immigrant communities, including Asian Americans, either directly or through grants to community-based organizations.
- ACS should translate into Asian languages, in a culturally sensitive and family friendly way, educational materials such as *The Parents' Handbook: A Guide for Parents with Children in Foster Care* and *The Parents' Guidebook to New York State Child Welfare Laws*.
- ACS should increase funding to support existing, or to develop new, community-based foster care preventive services in newer or emerging immigrant Asian American communities.
- City agencies, such as the Department of Community and Youth Development, the Agency for Child Development, the Department of Employment, and the Board of Education should fund services that support families such as after-school programs, child care, community centers, ESL, and vocational training.
- Preventive agencies (PPRS) and community centers should provide more parenting education classes in immigrant communities that acknowledge cultural differences and are available during hours when working parents can attend.

IV. SERVING FAMILIES ACROSS LANGUAGE AND CULTURE BARRIERS

LIMITED NUMBER OF ASIAN AMERICAN SERVICES AND STAFF

The lack of bilingual and bicultural caseworkers and other professionals throughout the child welfare system substantially raises the barriers that Asian American immigrant families must overcome. The lack of bilingual caseworkers limits access for Asian clients to necessary services. These communication barriers worsen an already urgent situation.

Currently only four agencies receive city contracts to provide preventive services to Asian American families with children at risk of being placed in foster care.[vii] The contracted agencies are located in Manhattan with one satellite in Queens. The fourth agency is in Brooklyn and has two Chinese American staff. Together, the agencies predominantly serve Chinese families and a few Koreans. They serve approximately 400 Asian American children, who come from all boroughs. There are no Asian American-run foster care agencies.

Other Asian American organizations provide related services such as mental health counseling, parenting courses, or domestic violence services to families referred by ACS, but the agencies do not receive reimbursement by ACS. Services in Asian languages other than the major Chinese dialects are extremely limited.

The shortage of Asian Americans working in the foster care system heightens the language and cultural barriers. According to Census 1990, 45.7 percent of Asian American households are linguistically isolated, meaning that no one over age 14 speaks English very well.[20] Yet throughout the child welfare system, the number of Asian American caseworkers is very low. In a 1998 issue of *Child Welfare Watch*, the Equal Employment Opportunity Office at ACS reported 3.6 percent of ACS employees to be Asian American, with 78 females and 64 males out of a total of 3,950 caseworkers and supervisors.[6] Surveys of 27 foster care agencies in New York City revealed that 3.1 percent of executives and administrators of city-contracted nonprofit foster care agencies, 3.2 percent of professional staff, and 0.7 percent of support staff are Asian (see table).[6]

With so few Asian American employees, it is doubtful that ACS or its contract agencies has the front line language capability and cultural competence to match the New York community's wide range of Asian ethnic groups and dozens of languages and

[vi] *Defined as more than one person per room (not including bathrooms, hallways and attics).*

[vii] *The Chinese-American Planning Council, the Lower East Side Family Union, the Chinatown YMCA, and the Center for Family Life in Sunset Park*

dialects. In fact, social workers from three contracted preventive service programs stated that Asian American families are rarely, if ever, matched with Asian bilingual foster care caseworkers.

Table 4: Percentage of Asian Americans working in the foster care system

	Executives/ Administrators	Professional Staff	Service Staff
White	62%	43%	25%
African American	27%	41%	68%
Latino	7.7%	13%	6.5%
Asian	3.1%	3.2%	0.7%

Source: Child Welfare Watch, Spring/Summer 1998

Hopefully, the new interpretation services in the Division of Child Protective Services will reduce the reports of protective service investigators resorting to other methods to communicate with Asian parents. One parent reported that the child welfare investigator arrived with a piece of paper with questions written in Chinese. In some cases, a friend or relative has been asked to assist in interpretation, adding to the family's shame.

Children have been asked to interpret during a child abuse investigation. This method is in violation of professional standards, results in inaccurate communication, and adds to the family crisis. Using a child as a crucial bridge between the caseworker often causes the parent to feel like they have "lost face." Many parents feel the child who speaks English well has an inappropriate amount of control over a parent, and the child could falsely report abuse or neglect to punish a parent. Children can threaten parents with calling ACS with false accusations. The role reversal also gives the child access to information that is not age-appropriate.

Conversely, the child may also feel obligated to protect the family and fail to disclose vital information. For example, one domestic violence center staff spoke of a recent incident in which ACS went to investigate a report of child abuse without an interpreter, even though the community organization had offered to send an interpreter. As a result, the family's nine-year-old child was asked to interpret and lied about the abuse to protect the family.

Legal communication, such as letters informing parents that they are being investigated for abuse or that their child has been removed from the home, is also in English. When parents cannot read it, they often use a child to help them translate it, although such formal communication is typically at a high reading level and legal in nature.

Hopefully, health and human services will follow federal leadership in increasing language accessibility of limited English proficient families. Title VI of the federal Civil Rights Act has been interpreted by the Department of Health and Human Services (DHHS) Office of Civil Rights to require language assistance when language barriers would cause a person with limited English proficiency to be excluded from or denied access to DHHS funded programs. An Executive Order from President Clinton in September 2000 ordered all federal offices to review their abilities to provide assistance to limited English proficient (LEP) speakers. Organizations and government agencies cannot require the clients to bring their own interpreters such as family members, or to use untrained bilingual staff, such as security guards, to act as interpreters.

LANGUAGE ACCESS ON HOTLINES

The state utilizes a phone interpretation service to respond if a non-English-speaking individual calls the New York State Central Register Child Abuse and Maltreatment Hotline. Unfortunately the caller must be able to negotiate the automated menu in English or Spanish until a specialist is reached in person. Then the individual must be able to request an interpreter for their language.

The Coalition made a few test calls to check on the availability of Asian language interpretation. One specialist on the hotline replied that only English and Spanish were available and, when pressed, put the caller on hold to ask a supervisor about further languages. A second specialist stated that she was not allowed to divulge interpretation information. Only a third specialist was familiar about the phone interpretation system and the languages available. This limited experiment raises concerns that not all staff are properly trained or informed about interpretation services.

Unfortunately, the ACS Office of Parent Advocacy Hotline does not have immediate language access beyond English and Spanish. This hotline is designed partly to help parents whose children are in foster care. When asked, staff reported that they would take a message and have a Chinese speaker (the dialect was not specified) from another department call back, or they would have to contract with an outside agency for an interpreter.

The Prevent Child Abuse New York hotline, which provides child abuse prevention information to parents, has only English and Spanish options.

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CULTURALLY COMPETENT STAFF

While hiring bilingual caseworkers is key for ACS, foster care, and preventive services contract agencies, the need to hire culturally competent caseworkers is equally important.[viii] Even fluency in a language does not necessarily imply knowledge of and ability to respect the culture of a speaker of that language. An individual can be bilingual but at the same time be insensitive to the culture of a family, particularly if he or she is from a different country, socioeconomic class, or generation.

Too many well-intentioned caseworkers run into barriers when working with Asian American clients. There are strong differences between Asian immigrants and non-Asians in how they communicate, respond to authority, perceive time, and cognitively process information. With little knowledge about Asian Americans, caseworkers and supervisors have difficulty assessing, intervening upon, and anticipating the behavior of Asian American families. Asian American families may be unprepared or even resistant to services. The caseworker may need to find ways to orient the family and prepare them to effectively receive services.

In a city as diverse as New York, it is unrealistic to expect every agency to have bilingual staff for every language. However, every agency can have cultural sensitivity training for their staff. Unfortunately, many sites do not have regular, high quality cultural sensitivity training.

In addition, many cultural competency trainings focus on white and African American relations while omitting other races and ethnic groups. Since Asian Americans are a newer and smaller population, most people know very little about Asian American history, cultural practices, ethnic diversity, or the impact of the immigration experience on family functioning. In U.S. schools, Asian American issues are markedly absent from curricula. As a result, even educated professionals often lack the most basic understanding of Asian Americans. For example, Asian Americans often complain that co-workers ask them to speak Chinese even if they are Korean or Japanese.

In addition to child welfare professionals, other professionals who are mandated to report abuse and neglect cases need to learn more about Asian Americans. If school personnel, social services personnel, law enforcement, and health care providers, who are the source of two-thirds of child abuse and neglect reports,[9] received cultural competency training, many unnecessary reports could be avoided.

One Family's Story

Mr. S., a Bangladeshi immigrant, was upset that his 13-year-old daughter was failing in school. He found her diary and although he could not read English well, he could tell it had something to do with boys and possibly sex. Furious, he told his daughter he was going to talk to her teacher. Panicked, the daughter told her friend, who encouraged her to claim that her father was abusing her. Her friend told a teacher, and the family's three children were immediately removed from home and placed in a non-Muslim, non-Bangladeshi home. The youngest, age three, could not speak English. She refused to eat or wash in the foster care home. The father was encouraged by his court-appointed attorney to sign an admission of guilt to end the case quickly, although he did not understand the document or the ramifications.

COMMUNITY-BASED ORGANIZATIONS

ACS and foster care agencies often request that staff at contracted and non-contracted CBOs serve as interpreters. While assistance from CBOs often ensures a more neutral and accurate translation than using a neighbor, relative or child, these providers are not compensated for their services and constant requests burden already overworked staff.

ACS has also asked non-contracted agencies for other services without compensation, such as hosting and interpreting for supervised family visits or providing domestic violence counseling. While some CBOs may have other government grants that can cover these costs, most Asian American CBOs are small, and many do not receive government funding.

THE LOS ANGELES COUNTY MODEL

Los Angeles County maintains an Asian Pacific Unit within its Department of Children and Families Services. This unit, established in 1989, is charged with responding to all reports of child abuse involving non- or limited English speaking Asian and Pacific Islander families. The goal is to improve the quality of services offered to the Asian Pacific population by providing immediate culturally and linguistically appropriate child welfare services to protect children and preserve families. The unit has

[viii] *See Appendix 2 for a definition of cultural competency.*

six teams with 40 bilingual/bicultural social workers providing protective and preventive services in over 10 languages. Over 1700 children are served per year.[12]

Workers are assigned to a case based on a needs, language, and culture match. One worker handles all aspects of case management throughout the entire case. This promotes service continuity and decreases the need for a limited-English family to deal with numerous workers. If a family speaks English and does not request language match, they are not referred to the Asian Pacific Project.

In addition to case management, the project's staff plays a significant role in educating the community on child abuse laws and parenting, including community presentations and translations of educational booklets in multiple Asian Pacific languages. The staff also provides professional education and consultations, both within and outside of the Department of Children and Families Services, on staff training, foster care family recruitment, and related services.

The use of bilingual/bicultural workers and a commitment to outreach and education enhances the image of the department in the community. In addition, the project boasts a lower foster care rate than the overall department. The lower rate leads not only to better family preservation, but also to lower financial foster care and court costs. Of 1000 children served per month, only 20 percent are in foster care.

While child welfare services are not contracted out to private agencies in California as they are in New York City, an Asian American unit would still play an important role. Los Angeles County's Asian Pacific population is approximately one-third larger than New York City's, but comprises a similar percentage of the total population (11 percent in Los Angeles County versus 10 percent in New York City). An Asian American unit could provide a cultural bridge for families reported for abuse, track the families, ensure that their caseworkers find them services, and provide training and referrals to assist caseworkers and contracted agencies.

RECOMMENDATIONS

- No children should be removed from their home before their parents are properly notified about the removal in their native language, if they do not speak and read English well. Written communication throughout an active case should also be provided in a parent's native language to ensure that they properly understand the process and their rights.
- All caseworkers should have easy access to trained interpreters if needed.
- Regular cultural competency training should be mandatory for public and private sector child welfare workers and administrators. The training should specifically include Asian Americans and immigrant issues. Mandated reporters should also receive this training.
- All field offices should report the numbers of Asian American staff and caseworkers, and their language abilities to a central office so that bilingual caseworkers can be matched with families with limited English.
- The ACS Office of Advocacy hotline, the Prevent Child Abuse New York's Prevention Information and Parent Hotline, and other related hotlines should either hire Asian bilingual workers or contract with a phone interpretation service to answer questions and handle complaints.
- An Asian American child welfare unit, paralleling the Los Angeles County Model, should be established either within ACS or by contract to act as a cultural bridge to families reported for abuse, to track these families and ensure that their caseworkers find relevant services, and provide cultural competency training to caseworkers.

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V. FOSTER CARE PLACEMENTS

LACK OF ASIAN AMERICAN FOSTER HOMES

It appears that there are virtually no Asian American foster care homes in the city. In a recent focus group held with Chinese American parents, two mentioned that their children had been placed in Chinese American foster care home in Long Island. This was the first mention of an Asian American foster care home that the Coalition or the CBOs it interviewed had ever heard mentioned, except for kinship care homes. The vast majority of Asian American children are placed into families of entirely different cultural and linguistic backgrounds.

The state records how many children are placed with foster care families of matching ethnicity (see Table 5). Asian Americans are not listed, but among "Other" children, less than 5 percent are matched with a foster or adoptive parent of the same ethnic group.

Table 5: Children Placed in Foster Boarding and Adoptive Homes with Matching Ethnicity, 12/31/99

Child's Ethnic Group*	Total	African American	White	Hispanic	Other
% same with foster/ adoptive parent	57.9%	63.6%	35.9%	50.5%	2.9%

**Does not include congregate or approved relative homes.*
Source: New York State Office of Children and Family Services

Foster care can be traumatic enough for children, but when children are placed with a foster care family that does not speak their language or is of a markedly different religious or cultural background, the sense of alienation and fear is heightened. Immigrant children, particularly younger pre-school children, who have not had the chance to learn English in school, may not be able to communicate with the foster family. In long-term placements, Asian foster children may lose the ability to speak their native language, which causes major problems when the children return to their birth parents.

In the CCRS database, religion of children in care is a category, although no religion is reported for the majority of children in care (see Table 6). Certain religions, such as Islam, Hinduism, and Buddhism, are not listed as subcategories, despite the growing number of these families in the city. Birth parents often find that their non-Christian children have been placed with a foster care family that actively involves them in a Christian church. A foster care family may inadvertently prepare meals for the children with foods that are forbidden by their religion, such as pork for Muslims or beef for Hindus. While the children themselves may not object, their parents are often shocked and horrified.

Table 6: Religion of Children in Care

Religion	Number of Children in Care	Percentage of Children in Care
Protestant	4,600	15.7%
Catholic	3,418	11.6%
Jewish	83	0.3%
Other	974	3.3%
Unknown	19,636	66.8%
None	671	2.3%
Total	29,382	100.0%

Source: New York State Department of Social Services, Interim Annual Detailed Demographics of Children in Foster Care, Period Covered 1/1/00-12/31/00

Birth parents are often frustrated with foster parents and the child welfare system as a whole because of culture and language differences. If birth and foster parents do not share a common language, or share common religious or cultural values, it is highly unlikely that they will be able to build any kind of positive relationship. For example, traditional parents from Bangladesh might be shocked by the American parenting style of foster parents, such as allowing adolescent girls to socialize with boys or to date. The birth parents may consider this endangering their daughter, not protecting her.

ACS seeks to create a Family-to-Family approach. This method encourages foster parents to act as mentors to the birth parents. Because language barriers prevent effective mentoring, this approach will not serve immigrant families with limited English unless the two families are linguistically similar. It is also less likely to be successful if the two sets of parents do not understand each other's cultural approaches to child rearing.

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RECRUTING FOSTER CARE HOMES

Recruitment and training of Asian American families to be foster families are challenging. While many Asian Americans are willing to accept and care for kin, caring for an unknown and unrelated child for a fee may be seen as an oddity. Another barrier to becoming a foster care family is practical; foster care families must have the time and English skills to be trained and certified. In addition, many Asian American families may be unwilling to serve because certification requires extensive paper work and home investigations, which are considered intrusive.

There are also more practical barriers. Lower income and recently arrived adults have to work extremely long hours, and many live in extremely overcrowded and dilapidated conditions. Their homes would not easily qualify for foster homes, and the families themselves may be embarrassed of their living conditions. Even middle class families often have multiple generations in one house or apartment.

KINSHIP CARE

Kinship care, placing a child with a relative, provides a way to keep children with a caretaker that they trust and to maintain some kind of continuity and stability for a child after being removed from home. For Asian American children, kinship care is particularly important because it also offers a home that is similar in cultural values, diet, religion and language.

Homes that qualify as kinship care expanded in 2000. Previously, only relatives considered related to the child with the "third degree of sanguinity" could be kinship homes. The new regulations also allow for more distant kin and for non-kin homes with significant family relationships. However, only close kinship homes are eligible for certain exceptions, such as less specific space requirements.

The expanded definition is helpful to Asian immigrants, who may not yet have extended family here. Immigrants build social support networks based on village of origin or other social network. If there is no foster family of the child's background, the expanded definition of kinship care will allow the child to go to a neighbor or friend who is of similar background. However, if the kin are undocumented, they may be less likely to be certified as kinship care homes if they are perceived as less stable.

ACS' new Placement Principles state that the priority is to place children with kin or non-kin with an existing significant relationships before putting a child in a recruited foster care home. About 21 percent of children are placed in kinship care, although this is a decrease over previous years.[2,6,8] However, one major concern for Asian American children is that non-Asian child welfare staff who cannot communicate with the potential kinship care family may prefer to place a child with a recruited foster care home.

RECOMMENDATIONS

- In keeping with the spirit of neighborhood-based placements it is critical to increase the number of Asian American foster families.
- Conduct public education programs that will address the specific concerns of Asian Americans about foster care. Active recruitment and outreach should be conducted in Asian languages.
- Utilize kinship foster care when possible and include less restrictive certification requirements for kinship care.
- Ensure better data collection, expand religion categories in CCRS, and increase the number of children placed in homes with similar ethnicity, language and religious practices.

VI. OTHER ISSUES FOR IMMIGRANT FAMILIES

IMMIGRANTS' ACCESS TO SERVICES

Immigrants face special legal challenges and restrictions in child welfare and other health and social services. Sometimes a family's ability to keep its children in the home or to be reunified with their children depends on the parents' ability to afford a decent apartment, health care, or child care assistance. However, many immigrant families, particularly those who arrived after August 1996 or who are undocumented, are not eligible for aid such as cash assistance or Medicaid that could help keep families together.

New York State does not require an agency to verify citizenship or immigration status of individuals who wish to receive child welfare services funded by particular titles under the Social Security Act. In practice, however, immigrants have been questioned about their status, and the perceived threat of deportation and general fear of government may keep families from accessing needed services. Families also hesitate to ask for help because they fear being deemed a public charge.[15]

[15] *Public charge refers to an individual who is deemed likely to become dependent on the government. Being considered a public charge can harm an immigrant's ability to become a citizen or to sponsor relatives to immigrate.*

Undocumented children who are placed into foster care are eligible for a green card under Special Immigrant Juvenile Status (SIJS). Without a green card, immigrant youth cannot legally work nor obtain financial aid for college. They can even be deported after they age out of foster care. However, it requires their caseworker or law guardian to be familiar with the procedure, to determine the child's immigration status, and to complete the paper work on their behalf. It is also important to start early since it can take between eight months to a year until receipt of the green card. Some abused children who do not qualify for SIJS may be eligible for lawful permament residence under the Violence Against Women Act.

ACS and the Immigration and Naturalization Service (INS) reporting systems are not directly linked, and an immigrant who is reported for abuse or neglect is not necessarily brought to INS' attention. However, if police are involved and if the offender enters the prison system, the case is more likely to come to INS' attention because the prison system is linked with INS. A parent can be deported, even if their child is being kept in foster care in the U.S. Obviously, if a parent is overseas, all chances for returning a child to their parents may be lost. Recent changes in immigration law also limit an individual's right to appeals or right to an immigration hearing, and limit a judge's flexibility.

Unfortunately for many immigrant children, attorneys may be familiar with child welfare law or with immigration law, but rarely do they have expertise in both areas. Child welfare professionals also seem to have misinformation regarding immigrants' rights to services. Community advocates often find that an immigrant family has received contradictory information or been unnecessarily denied services. For example, some community agencies have been told that undocumented families can serve as kinship foster care homes, and others have been told that these families are ineligible.

Undocumented status can be used to determine eligibility for health and social services, but it does not legally have a bearing on the goal of a child welfare case. Undocumented individuals are also not legally prohibited from serving as a kinship care home. Approval of a home is on a case by case basis, at the discretion of the judge. Kinship care is determined by stability and safety of the home and the relationship of the caregiver to the parent and child.

But because ACS may ask for a Social Security number and is required to fingerprint kinship care providers, many illegal immigrants may be discouraged from becoming involved. A judge may be less likely to approve an undocumented immigrant from serving as a kinship provider because they may be perceived as less stable since their residency is technically in limbo status.

One Family's Story

Mrs. N. was reported after she disciplined her middle child with a stick. All three of her children were removed, including a one-year-old, on a Friday night. Mr. and Mrs. N. were given no information about where the children were until the eldest daughter called from her foster home on Sunday night. On their court date, Mr. and Mrs. N. arrived at court at 9:30 a.m. and waited until 5:00 p.m. when they were seen by the judge for a few minutes. There was no interpreter provided for them at court. They ended up going to court five times in the next two months. The children were returned one by one over the next two months. They reported having two meetings with the foster care agency, but only having an interpreter at one meeting.

In Family Court, which is a civil proceeding, an undocumented immigrant does not necessarily have the right to an attorney, but judges, as a matter of practice, assign an attorney to an individual if they deem the individual to be income eligible. The income eligibility level is at the judge's discretion. Attorneys report that Family Court judges rarely inquire about immigration status prior to assigning an attorney.

ACS does not seem to have any clearly written protocols on working with immigrant families. ACS' "A Client's Bill of Rights," "Permanency Principles," or "Placement Principles" do not address the issue of how an immigrant family's rights or residency will be protected when child welfare law and immigrant law intersect.

DOMESTIC VIOLENCE

Children often come to the attention of ACS through cases of spousal abuse. Domestic violence has particular complications in immigrant families, where the abuser can maintain special control over his/her victim. The abuser (most often but not exclusively male) can seize the victim's passport, visa, or green card, and can ensure the victim's (most often by not exclusively female) isolation and dependency on him by forbidding her to work or learn English. She may not understand how to find help, and she may not have any relatives or friends nearby.

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Many women who have been battered suffer the additional trauma of having their children removed for failure to protect the child from abuse or witnessing abuse. In other situations, if it is deemed that she is not adequately providing for her children, they may be removed from the victimized parent if she tries to leave the home and seek shelter.

For an Asian immigrant woman, whose sense of self often depends on her role as mother and ability to care for their children, this loss can make a domestic violence situation even more emotionally damaging. The victim is often bewildered as to why she is being doubly punished, even when she is not the abuser.

RECOMMENDATIONS

- Expand eligibility for benefits and programs for currently ineligible immigrants.
- Educate child welfare workers on the unique legal issues and implications that face immigrant families in child welfare.
- Provide resources to assist mother to be independent and keep children in her care, or provide assistance to get the child back quickly.

VII. IMPLICATIONS OF RECENT POLICY CHANGES

NEIGHBORHOOD-BASED SERIVCES

ACS initiated a major reform effort in 1999 to restructure delivery of foster care services on a neighborhood-based system (see Appendix 3). Agencies received contracts to serve specific geographic areas in order to maintain children in their own school and community, to better involve existing community resources in supporting the family, and to permit parents to learn from the foster parents.

Previously, a child removed from a home could be assigned to any agency and be placed in any foster home, including foster homes outside of the city. This arrangement was extremely difficult for parents, including Asian American immigrant parents whose long work hours prevented them from visiting with their children. In addition, many immigrants are not familiar with the city geography or the public transit system and do not have a private means of transportation, therefore making it harder for them to visit their children.

Although there are benefits to a neighborhood-based system, the contract agencies often are unfamiliar with the communities that they have been selected to serve. With few Asian American staff at foster care agencies, the Asian American community may be among the most difficult for contract agencies to recruit foster homes and to provide services.

Each contract agency is expected to develop relationships with the local CBOs in the communities they serve. However, in discussions with supervisors at Asian American CBOs, including social and health agencies which regularly receive calls from foster care agencies or ACS for referrals or other assistance, none were familiar with the neighborhood-based service system. Only the Asian CBOs contracted for preventive services were familiar with the new system. The shortcoming of partnerships between ACS and/or foster care contract agencies with Asian American CBOs calls into question the effectiveness of neighborhood networking in the Asian American neighborhoods.

In the two years since the inception of the neigbhorbood-based system, the majority of Asian American CBOs also have not heard of, nor been invited to, attend a 72-hour case conference. This conference brings together parents, ACS caseworkers, and individuals such as teachers, religious leaders, or other community members that know the child, within 72 hours of placing a child in foster care. The 72-hour case conference is an attempt to help ACS make a more informed decision on the family's situation and needs.

CBO staff should be included in these 72-hour case conferences to act as potential resources and to provide a cultural context for the family's behavior. This would aid ACS to understand if the parents' behavior is in fact abusive and neglectful, or if there has been a cultural miscommunication which can be best addressed by returning the child to the home and providing services such as parenting education.

ASFA

The federal Adoption and Safe Families Act (ASFA) of 1997 enforces stricter time constraints on family reunification services. The legislation also supports efforts to expedite adoptions and increases the pressure for the state to move toward termination of parental rights if a child has been in foster care for 15 out of the last 22 months.

Therefore, it is important to consider if families have access to the services they need (e.g., parenting education or substance abuse treatment), if proper services are identified, and, if these services are available in a timely fashion. For Asian American parents who do not speak English well, finding these services in their own language in a timely fashion can be a daunting task. Well-meaning caseworkers are put into difficult situations when ordered to locate services that they are unable to find in the

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client's language. For example, there is a severe lack of affordable mental health services in Asian languages throughout the city. Parenthetically, since in Asian American families both adults usually work, they also risk losing their jobs to take time out to attend required services that are generally only available during the day.

BLOCK GRANT

In 1995, New York State became the only state to fund child welfare services through the Family and Children's Services Block Grant (Block Grant). The Block Grant caps the amount of funding for services including foster care, preventive services, and adoption services. Under this Block Grant, these child welfare services are no longer treated by the state as an uncapped entitlement for abused and neglected children. Child welfare services have experienced these funding cuts while having to provide services to a growing number of children and families needing services. From FY1995 to FY1996, child welfare services experienced a 25 percent, or $151 million, cut from $579 million to $428 million in state spending.[23] New York State's Block Grant was due to sunset in 1999, but has continued to be extended by the Governor and the state legislature through the 2001-2002 fiscal year, ending in March 2002. Currently, the Block Grant is set in the amount of $533.5 million. This amount is determined by the state's prior spending on child welfare services rather than the actual numbers of people utilizing and needing those services.

The Block Grant has resulted in individual counties and service providers bearing more financial responsibility for service provision. Under the Block Grant, foster care and preventive services are brought together under a single funding stream, but in New York City, those two services remain contracted separately.[23] This has resulted in further difficulties in the coordinated use of both foster care and preventive services for children and families in need.

It is imperative that New York State provides counties and service providers with needed funding in order to assure adequate and culturally competent service provision to Asian American families and children. As outlined, Asian American immigrant families face many challenges within the existing child welfare system. Just as important as adequate funding for services is the flexibility of funding to allow for collaboration and the creation of linkages between CBO's, preventive service providers and foster care service providers. This can help to break down existing cultural and language barriers by increasing available services to the Asian American community and increasing the cultural competency of child welfare service provision within the various Asian American communities. Collaboration can also help to involve community members in the recruiting of more Asian American foster care homes. The Block Grant has not proven to be helpful in promoting this collaborative framework due to inconsistencies in the existing city and state funding structures.

RECOMMENDATIONS

- ACS and contract agencies need to reach out to CBOs in the Asian American community, involve them in 72-hour case conferences, and generally develop meaningful, reciprocal relationships in order to decrease child abuse, ensure quicker reunification, and decrease suspicion and distrust.
- The ramifications of the Family-to-Family approach on Asian American families should be examined and culturally sensitive protocols should be developed.
- More services such as substance abuse, mental health, and domestic violence are needed for the Asian American community so that limited English speaking families can access help in their native language and quickly be reunited with their children.
- Eliminate the Family and Children's Services Block Grant and create an adequate funding system that would use actual numbers of children and families in need of services, numbers of children and families utilizing preventive and foster care services, and numbers of reports of child abuse and neglect as determinants of child welfare spending. The funding structure must also be flexible to allow for changes in population demographics and need.

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VIII. ASIAN AMERICANS AND FAMILY COURT

When a child is removed from their home, the family must also interact with Family Court. Frequently, this is one of the most frustrating and challenging experiences that an Asian American family endures.

RECENT CRITIQUES OF FAMILY COURT

A recent *Child Welfare Watch* report,[8] the fourth report by the Special Panel on Child Welfare,[9] and a C-PLAN report[15] present clear critiques of Family Court as an overburdened system that is failing to meet its mandate and professional standards. The reports' findings include extensive and regular delays in hearing and processing cases, lack of adequate legal representation for parents, insensitivity to families, focus on parental behavior and guilt rather than on a child's needs and best interests, insufficient attention to risk assessment as a guide to decision making, and limited access to services such as drug treatment, counseling, coping skills and material assistance.

These problems in Family Court are exacerbated by recent high profile child abuse cases. Advocates have charged that public criticism has caused the city to overreact and to over emphasize removal of children from their homes. This fear of public backlash has also made judges more reluctant to decide against removal and more hesitant to return children to their homes. This hesitation and the dysfunction of the family court system creates a clear negative impact on parents and children who endure months or years of separation because of procedural delays or inadequate representation. If Family Court is not reformed, the well-intentioned reforms of ACS will not be sufficient to ensure each child has an opportunity to return to a safe and stable family as quickly as possible.

IMPACT ON ASIAN AMERICAN FAMILIES

Family Court is challenging even for native-born families. The barriers are even more formidable for immigrants who do not speak English and do not understand their rights in the U.S. legal system. There are no Asian language educational materials that inform parents of the legal procedures or their rights. Immigrants envision the U.S. as a land of justice. When they find that their family's future rests on incomprehensible procedures or inadequate legal representation, they become understandably bitter and cynical about their new country.

ONE FAMILY'S STORY

Mrs. C. was reported because of a bruise on her daughter's leg. When the child protective worker came to the apartment door, Mrs. C. had no idea who the woman was, and assumed she was a missionary going door-to-door in the building. Mrs. C. does not speak English, and the investigator did not speak Cantonese. The investigator limited her investigation to a conversation with the eight-year-old daughter in the doorway. Mrs. C. had no idea that she was being investigated, nor that the report against her was later determined to be valid. She received no written notification. Only two months later did she realize what had happened when a preventive service agency called, telling her that she had to report for services. Mrs. C. is concerned that although she never had a chance to defend herself, state law requires that the report remain on her record until her youngest child is 28 years old.

Another constant complaint about Family Court is that parents are repeatedly required to spend all day in the courthouse waiting, only to find that their hearing is postponed. This leaves Asian American parents in a difficult situation since so many must work in low paying, non-unionized, piecework or hourly wage jobs. If they are required to repeatedly take time off from work and to spend a day in the courtroom waiting for their case to be heard, they risk losing their jobs. Because of the stigma attached to child abuse, they are also embarrassed to tell their employer where they are going for the day.

Thus, parents must lose wages and risk losing their jobs in order to attend a court hearing. However, the court will not return their child if the parents are unable to earn enough to provide adequate housing and basic necessities. Caseworkers complain that their efforts to urge parents to attend court hearings are undermined when the parents repeatedly encounter postponements or unprepared attorneys.

LACK OF LANGUAGE ASSISTANCE

As with ACS and foster care agencies, language continues to be a major problem in Family Court. While limited English proficient parents have legal rights to interpreters in the courtroom, many families and attorneys have complained that the interpreter sometimes speaks the wrong dialect or is otherwise not qualified. For example, an interpreter might be fluent in the Asian language but not as proficient in English, so testimony suffers in the translation.

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Outside of the courtroom, there is no right to interpretation. Parents with limited English struggle to determine where to report, how to find their attorney, where to file paper work, etc. This also means that indigent parents with court-appointed attorneys often are not able to speak with their attorney prior to hearings.

LEGAL REPRESENTATION

For the many poor Asian American families who enter the system, there are few court-appointed attorneys (also referred to as 18-B Panel attorneys) who are bilingual in Asian languages or dialects. In addition, 18-B attorneys carry very high caseloads at an extremely low reimbursement rate that has not been updated in years. They have to request court approval for funding for interpreters or experts. They do not have support staff and social workers to assist in researching and preparing cases.

Parents report that they rarely, if ever, meet with their attorney before a hearing. They also report that the attorney appointed to them changes from court appearance to court appearance. Court-appointed attorneys are reimbursed at a very low rate for any hours spent on a case outside of the courtroom. Under these circumstances, one can easily argue that limited English immigrant parents are not getting adequate legal representation.

Many parents with limited English skills are so confused by the court system and have so little contact with their court-appointed attorney, that they sometimes are unaware that they even have an attorney. They cannot differentiate their attorney from the other professionals in the courtroom. Many parents do not know their attorney's name or number. Parents and caseworkers regularly complain that attorneys do not return calls.

More than one CBO have reported that attorneys urge their clients to sign an admission of the allegations, telling them it will close the case more quickly. However, such admissions are generally presented only in English for a client's signature without explaining the impact such an admission will have on their case, their record, the impact on future employment, or their children's ability to return home.

There are very few private Family Court attorneys who speak Asian languages. There are even fewer who regularly accept *pro bono* cases related to child abuse and neglect. Publicly funded groups providing legal assistance can be valuable resources for low-income families. However, these attorneys also have limited time and resources, restricting the number and types of cases they can accept. Most legal service agencies that handle child abuse and neglect cases have few or no Asian American attorneys on staff.

Continuity and quality of legal representation is crucial because of the cultural issues that consistently arise with Asian American cases. If many Asian American parents are reported for child abuse or neglect based on their traditional child rearing practices or for lack of resources, their attorneys need to be able to present that context to judges. Attorneys need to be trained on cultural issues so that they can best argue their clients' cases.

Indeed, cultural awareness would benefit all personnel in the courts. There are very few Asian American judges, children's law guardians, etc. If all arms of the court had a better sense of Asian American families, the legal system would be far better prepared to protect the best interest of Asian American children.

RECOMMENDATIONS

- Replace the current 18-B panel system with a more comprehensive legal service that provides attorneys with the same access to training, supervision, wages, clerical, investigative, and social work supports as their counterparts in ACS or Legal Aid Society have. Representation should be available to all, regardless of immigration status.
- Provide interpreters for 18-B attorneys to meet with clients outside of the courtroom.
- Recruit bilingual and bicultural Asian American attorneys for the 18-B panel.
- Increase funding and debt-forgiveness scholarships for legal service agencies to specifically hire Asian American attorneys.
- Provide cultural sensitivity training for attorneys, judges, and other court personnel on Asian American family functioning.
- Translate materials to educate Asian American parents about their rights in Family Court.
- Develop a report card that annually measures progress in making the Family Court system more workable for families with limited English.

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IX. CONCLUSION

A child's life should never be endangered, but sometimes a decision to remove a child from a home is made without taking into account the family's cultural context or the functioning of the parents as a whole. Many immigrant Asian parents find themselves subjects of child abuse or neglect reports for child rearing practices that are fully acceptable in their culture and home country. The extent of this difficulty is unknown because the numbers of Asian Americans in the child welfare system are undercounted, when counted at all.

The child welfare and Family Court system in New York City are extraordinarily difficult to navigate for all clients within the system. This difficulty is exacerbated for Asian American parents not only by cultural and language differences, but also by a lack of resources, information, knowledge, and bilingual and bicultural caseworkers. Also missing are research data on Asian Americans in the child welfare system, Asian American foster families, and Asian Americans in the judicial system. As a result of these many barriers, parents often experience feelings of helplessness, stigma, shame, and an invasion of privacy in a system that often undermines their authority and is difficult to comprehend.

Though ignorance of the law is not a sufficient excuse and the safety of the child must be protected, a more balanced investigation of suspected Asian American child maltreatment is urged in light of the profound cultural differences and the pervasive lack of knowledge about the American child welfare philosophy. This investigation should be less incident based and more inclusive, viewing the performance by the parent in a broader sense. Then, rather than risk the possibility of traumatizing the child through needless removal, assistance could be offered in educating the parent through counseling and parenting classes, and helping them locate child care, health insurance, and other services.

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APPENDIX 1: DEFINING ASIAN AMERICAN

The term Asian American only came into use in the last 20 to 25 years and varies from source to source. The Census Bureau's category of Asian covers over 17 ethnic groups. Sometimes, individuals of Pacific Islander heritage (e.g., Samoan, Guamanian, Fijian, native Hawaiian, Tongan) are also grouped with Asians, hence terms such as "Asian Pacific Islander," "Asian Pacific American," "Asian Pacific Islander American," or "Asian Americans and Pacific Islanders."

For the purposes of this report, "Asian American" is used. There is a very limited population of Pacific Islanders in New York City, and this report cannot claim to represent their experiences since no Pacific Islander families nor social service organizations specifically targeting Pacific Islanders were interviewed.

"Asian American" as used here refers to a diverse group composed of individuals who trace their ethnic origins to East Asia (China, Japan, Korea, etc.), South Asia (Pakistan, India, Bangladesh, Sri Lanka, etc.), or Southeast Asia (Vietnam, the Philippines, Thailand, Cambodia, etc.). While some Asian Americans, such as Indo-Caribbean immigrants, trace their ethnic origin to Asia, they may have spent generations in a country outside of Asia, and their arrival here is a second or third migration.

Even within these ethnic groups there is great diversity. In India, for example, 18 regional languages are recognized for official purposes.[14] While Chinese has a single written language, the written language has no single standard of pronunciation. Therefore, the Chinese language is spoken in many dialects such as Mandarin, Cantonese, or Fujianese, and the dialect of one province is basically incomprehensible to people from other provinces.

The definition of Asian American also embodies different generations ranging from first generation immigrants to several generations of U.S.-born citizens. The differences between generations are sizable, and it should be noted that many of the issues addressed in this report are based on the experiences of newer immigrant families.

APPENDIX 2: DEFINING CULTURAL COMPETENCY

Cultural competency refers to the ability of an organization to effectively serve a community that is different from its own. The Office of Minority Health (OMH) has written:

"Cultural and linguistic competence is a set of congruent behaviors, attitudes, and policies that come together in a system, agency, or among professionals that enables effective work in cross cultural situations. 'Culture' refers to integrated patterns of human behavior that include the language, thoughts, communications, actions, customs, beliefs, values, and institutions of racial, ethnic, religious or social groups. 'Competence' implies having the capacity to function effectively as an individual and an organization within the context of the cultural beliefs, behaviors, and needs presented by consumers and their communities."[15]

OMH also lists the following suggestions for promoting cultural competency: 1) tap into cultural competency resources; 2) assess the staff's understanding of cultural competency; 3) make training reflective of real life; 4) include community members in leadership roles; 5) put the organization's plans for cultural competency in writing to signify a commitment to these goals; and 6) put ideas on cultural competency into action.[1]

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APPENDIX 3: RECENT REFORMS OF ACS

In 1999, under Mayor Rudolph W. Giuliani and Commissioner Nicholas Scoppetta, ACS initiated a major reform effort to create a neighborhood-based child welfare system, as well as improve child protection, foster care and preventive services, adoption and independent living, accountability and legal services, and child support enforcement.

The creation of neighborhood-based services allows families to access services in their own communities without having to travel to different parts of the city for child welfare services. A neigborhood-based system places children in foster homes within their community. As a result, they will have less of a disruption by remaining close to their familiar environment with their school, friends, doctors and community.

Previously, voluntary foster care agencies would receive contracts from ACS and generally would place children throughout the city or suburbs regardless of where the birth families lived. This limited the agencies' ability to know specific communities well. In 1999, all agencies that been contracted by ACS in the past to provide services had to reapply and propose how they would restructure services to meet the new neighborhood-based system. ACS awarded 102 contracts to 79 voluntary agencies for a neighborhood-based foster care system in all five boroughs. Preventive services contracts, which were always community-based, were also awarded.

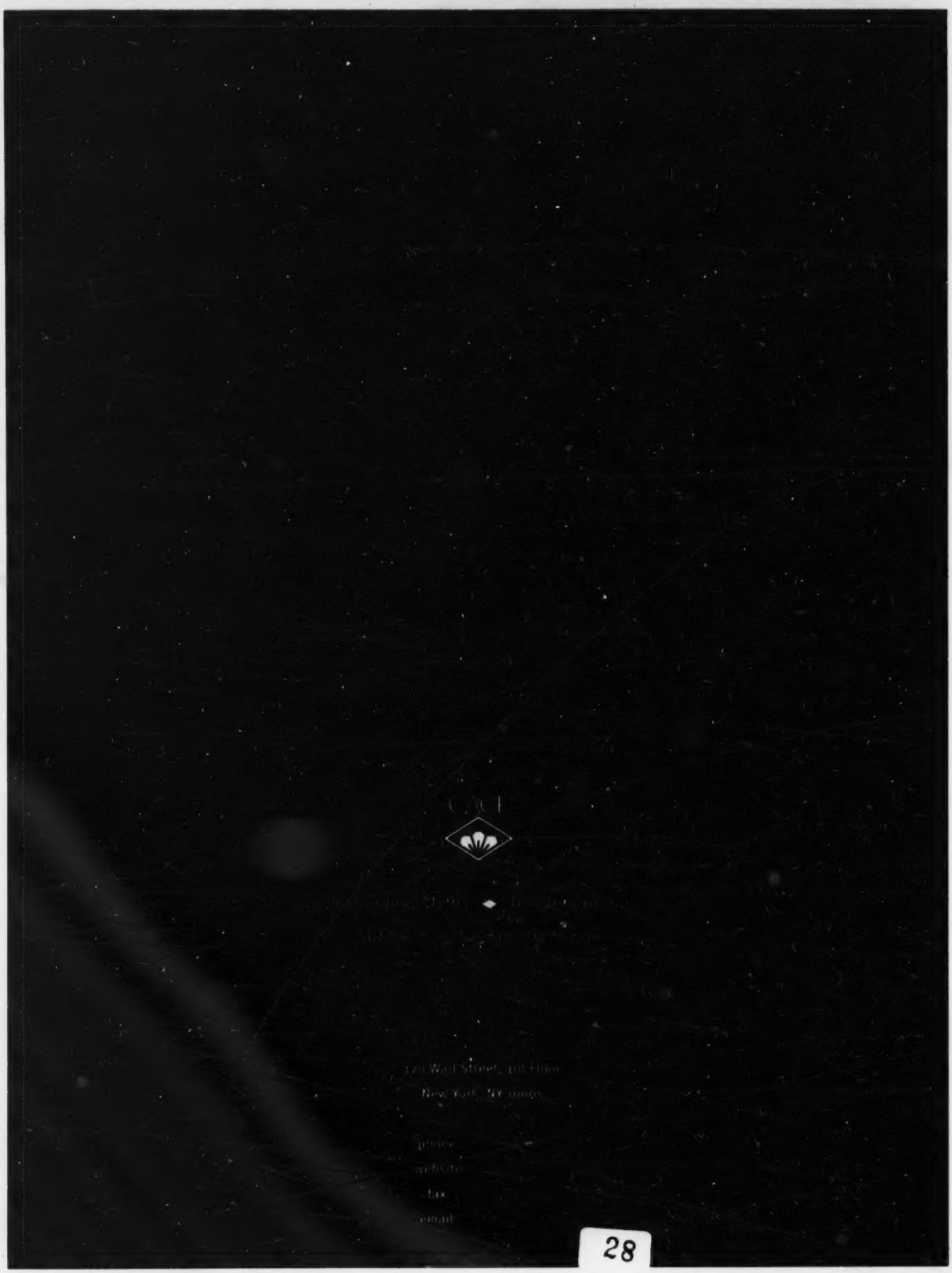
Other reforms include reducing the average caseload for child protective workers, implementing caseworker raises based on merit, tougher eligibility standards, and new standards for promotions, and a scholarship program for employees. ACS is also creating uniform training for all caseworkers and foster care families, and is examining how to improve evaluation of services.

Another aspect of the reform is the 72-Hour Case Conferences, which bring together parents, ACS caseworkers, and members of the child's support network (i.e. extended family, teachers, neighbors, doctors, or clergy) within 72 hours of placing a child in foster care. The conferences are intended to make better, more informed decisions about each case, ensure families receive the services they need, and create a network of support around the child and family.

Preventive services refer to supportive services such as counseling, parenting skills training, information and referrals, advocacy, and case management services, that help stabilize a family in crisis and prevent removal of a child to foster care. Preventive service programs are generally provided at smaller, more community-based organizations. Still, preventive services receive only a very small percentage of the overall funding in child welfare.

ENDNOTES

1. Adams, Diane. "Making Cultural Competency Work." *Closing the Gap.* Office of Minority Health, Jan 2000.
2. Administration for Children's Services. *1999 Progress Report.*
3. Administration for Children's Services. Division of Child Protection. *Interpretation and Translation Services Report, 1/99-6/00.*
4. Board of Education of the City of New York. *Class of 1999 Four Year Longitudinal Report and Event Drop Out Rates.*
5. *Child Welfare Watch.* Spring 1997, No. 1.
6. *Child Welfare Watch.* Spring/Summer 1998, No. 3.
7. *Child Welfare Watch.* Winter 1997, No. 2.
8. *Child Welfare Watch.* Winter 1999, No. 4.
9. Citizens' Committee for Children of New York, *Keeping Track of New York City's Children* 2001.
10. Coalition for Asian American Children and Families. *Half-Full or Half-Empty? Health Care, Child Care and Youth Programs for Asian American Children in New York City,* April 1999.
11. Committee for Hispanic Children and Families and Coalition for Asian American Children and Families. *Opening the Door. A Survey of the Cultural Competence of Preventive Services to Asian and Latino Families in New York City,* 1999.
12. Communication from County of Los Angeles Department of Children and Family Services Asian Pacific Project.
13. Ku, Leighton and Sheetal Matani. *Immigrants' Access to Health Care and Insurance on the Cusp of Welfare Reform.* Urban Institute, June 2000.
14. Library of Congress. *Country Studies/Area Handbook Series.* On line at http://lcweb2.loc.gov/frd/cs/
15. C-PLAN: Child Planning and Advocacy Now. *Justice Denied. The Crisis in Legal Representation of Birth Parents in Child Welfare Proceedings,* May 2000.
16. Meadows, Michelle. "Moving Toward Consensus on Cultural Competency in Health Care." *Closing the Gap.* Office of Minority Health, Jan 2000.
17. New York State Office of Family and Children. CCRS report, April 2000.
18. Office of Vital Statistics, New York City Department of Health. *Summary of Vital Statistics,* 1999.
19. Special Panel on Child Welfare, Report 4, Fall 2000.
20. US Census Bureau. *Census 1990.*
21. US Census Bureau. *Census 2000.*
22. US Census Bureau. *Housing and Vacancy Survey,* 1996.
23. Citizens' Committee for Children of New York, *Child Welfare Financing: Looking Beyond the New York State Family and Children's Services Block,* 2000.



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